

pack nostril with sterilized gauze or cotton. * * * Cuts and Wounds
* * * Apply antiseptic and sterilized gauze dressing."

On June 8, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30793. Adulteration and misbranding of prophylactics. U. S. v. 89 and 294 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. Nos. 45273, 45274. Sample Nos. 58464-D, 58465-D.)

Samples of these products were found to be defective in that they contained holes.

On May 6, 1939, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 383 gross of prophylactics at Spencer, Ind.; alleging that the articles had been shipped in interstate commerce on or about December 19, 1938, by the Mayfair Chemical Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled: "Gold Town" or "Silver Town."

The articles were alleged to be adulterated in that their strength fell below the professed standard or quality under which they were sold.

They were alleged to be misbranded in that the statements on the cartons, (Gold Town) "For Prevention of Disease," and (Silver Town) "Disease Preventative," were false and misleading.

On June 29, 1939, no claimant having appeared, judgment of condemnation was entered, and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30794. Adulteration and misbranding of rubber prophylactics. U. S. v. 26 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 45350. Sample No. 67261-D.)

Samples of this product were found to be defective in that they contained holes.

On May 17, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 gross of prophylactics at New York, N. Y.; alleging that the articles had been shipped in interstate commerce on or about March 16 and 19, 1939, by W. H. Reed & Co., Inc., from Atlanta, Ga.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part "Surete."

They were alleged to be adulterated in that their strength fell below the professed standard or quality under which they were sold, since they were sold as prophylactics; whereas they were not suitable for such purpose by reason of the fact that they, or a large percentage thereof, contained perforations or punctures.

Misbranding was alleged in that the statement on the label, "Sold for Prevention of Disease," was false and misleading when applied to prophylactics that were not suitable for the prevention of disease, in that they contained perforations or punctures.

On June 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30795. Misbranding of bandages. U. S. v. 30 Gross, 10 Gross, and 684 Packages of Blue Cross First Aid Bandages. Default decrees of condemnation and destruction. (F. & D. Nos. 45446, 45447, 45455. Sample Nos. 53686-D, 67204-D, 67205-D.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination they were found to be contaminated with viable micro-organisms.

On June 2 and 5, 1939, the United States attorneys for the Southern District of New York and the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 30 gross packages of Mercurochrome bandages and 10 gross of borated bandages at New York, N. Y., and 684 packages of Mercurochrome bandages at Detroit, Mich.; alleging that the articles had been shipped on or about April 24 and May 3, 1939, by the Hampton Manufacturing Co. from Carlstadt, N. J.; and charging misbranding in violation of the Food and Drugs Act.

The articles were alleged to be misbranded in that the statements "For Cuts, Minor Wounds & Abrasions," borne on the labels, were false and misleading since they created the impression that the articles were sterile and safe for use; whereas they were not sterile and were not safe for use.

On June 30 and July 10, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30796. Misbranding of First-Aid Poc-Kits. U. S. v. 9½ Gross Packages of First Aid Poc-Kits. Default decree of condemnation and destruction. (F. & D. No. 45381. Sample No. 66608-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination, the first-aid band, gauze bandage, and absorbent cotton contained in the kit were found to be contaminated with viable micro-organisms.

On May 29, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9½ gross packages of First Aid Poc-Kits at Kansas City, Mo.; alleging that the article had been shipped on or about March 8, 1939, from Carlstadt, N. J., by Hampton Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements on the kit were false and misleading when applied to an article containing first-aid band, gauze bandage, and absorbent cotton that were contaminated with living micro-organisms: "First-Aid Poc-Kit for all Minor Injuries." "This Kit is your Guard Against Infection," and "Indispensable for all Minor Injuries."

On June 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30797. Adulteration and misbranding of sweet spirit of nitre and paregoric. U. S. v. 228 Bottles of Spirit of Nitre and 852 Bottles of Paregoric. Default decree of condemnation and destruction. (F. & D. Nos. 44440, 44441. Sample Nos. 34684-D, 34685-D.)

These products were sold under names recognized in the United States Pharmacopoeia but differed from the pharmacopoeial standard. They also differed from their own declared standards, since the sweet spirit of nitre was labeled "Ethyl nitrite 4%" but contained ethyl nitrite varying from 2.66 to 2.98 percent, and the paregoric was labeled "Each Fluid Ounce contains ¼ grain of morphia" but contained not more than ⅓ grain of morphia per fluid ounce. Both products were short of the declared volume.

On December 1, 1938, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 228 bottles of spirit of nitre and 852 bottles of paregoric at Lynchburg, Va., consigned by Kent Drug Co., alleging that the articles had been shipped in interstate commerce on or about October 18, 1938, from Baltimore, Md.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The articles were alleged to be adulterated in that they were sold under names synonymous with names recognized in the United States Pharmacopoeia, i. e., "Spirit of Ethyl Nitrite," and "Camphorated Tincture of Opium," but differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia, and their own standards were not stated on the labels. Further adulteration of the spirit of niter was alleged in that its strength fell below the professed standard and quality under which it was sold, namely, "Ethyl Nitrite 4%," since it contained less than 4 percent of ethyl nitrate. Further adulteration of the paregoric was alleged in that its strength fell below the professed standard and quality under which it was sold, namely, (carton) "Morphia ¼ Gr. to Fl. Oz." and (bottle) "Each Fluid Ounce Contains ¼ gr. Morphia," since each fluid ounce of the article contained less than ¼ grain of morphia.

The spirit of nitre was alleged to be misbranded in that the statements, (bottle and carton) "Ethyl Nitrite 4%" and (bottle only) "Contains 6 fld. drams or over," were false and misleading and deceived and misled the purchaser since it contained less than 4 percent of ethyl nitrite, and the bottle contained less than 6 fluid drams. The paregoric was alleged to be misbranded in that the statements, (carton) "Morphia ¼ gr. to fl. Oz." and (bottle) "Each Fluid